

SENATE BILL 2117
By Burks

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5, relative to public records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following as a new subsection:

() (1) As used in this subsection:

(A) "Crime victim" means a natural person against whom a criminal offense was committed and includes all immediate family or household members of the victim. "Crime victim" does not include the person charged with or alleged to have committed the criminal offense.

(B) "Governmental agency" means any state or local law enforcement agency, the office of any district attorney general, district public defender, the office of attorney general and reporter, the department of correction, the board of probation and parole, the Tennessee claims commission, the division of claims administration and any state or county court of record or general sessions court.

(C) "Governmental agency document" means a case file, file, document, data file, form, application, petition or written request that is compiled or

maintained by a governmental agency on a person in whole or in part because of such person's status as a crime victim.

(D) "Identifying information" means home and work addresses, and telephone numbers, bank account information, social security number, driver license information and any other information that could reasonably be used to locate the whereabouts of an individual.

(2) Identifying information concerning a crime victim that is contained within a governmental agency document compiled or maintained by a governmental agency is confidential and not open for inspection by the public. The provisions of this subpart shall apply regardless of whether such information is contained in a governmental agency document that is inactive or closed.

(3) Identifying information made confidential by this subpart that is contained within an otherwise public governmental agency document shall be redacted whenever possible.

(4) Nothing in this subpart shall be construed to:

(A) Limit or deny access to otherwise public information because a governmental agency document also contains confidential identifying information;

(B) Limit access to such identifying information by law enforcement agencies, courts or other governmental agencies while performing official functions;

(C) Close any personnel records of public officers which are currently open under state law;

(D) Prevent counsel for a defendant in a pending criminal case from obtaining, for the sole purpose of the defendant's defense, identifying information that would otherwise be confidential under the

provisions of this subpart if the constitutional rights of the defendant or the rules of criminal procedure require the release of such information; or

(E) Prohibit a crime victim from expressly authorizing the release of identifying information that would otherwise be confidential under the provisions of this subpart.

SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it.